

minor regulatory changes which will not impose any new requirements on persons subject to the HMR.

**EFFECTIVE DATE:** September 29, 1989.

**FOR FURTHER INFORMATION CONTACT:** Jacquelyn F. Smith, Standards Division, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, Telephone (202) 366-4486.

**SUPPLEMENTARY INFORMATION:** In its maintenance of the HMR, RSPA performs an annual review of the regulations to detect errors which may be causing confusion to users. Inaccuracies detected in title 49, Code of Federal Regulations (49 CFR), parts 100 through 199, revised as of October 1, 1988, include typographical errors, incorrect references to other rules and regulations in the CFR, and misstatements of certain regulatory requirements. Additionally, in response to inquiries which RSPA received concerning the clarity of particular requirements specified in the HMR, changes are made which should reduce uncertainties.

Since these amendments do not impose new requirements, notice and public procedure are unnecessary. For the same reason, these amendments are effective without the customary 30-day delay following publication. This will allow the changes to appear in the next revision of 49 CFR.

The RSPA has determined that this rule, as promulgated, is not a major rule under the terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A final regulatory evaluation and environmental assessment were not prepared, as these amendments are not substantive changes to the HMR.

Based on limited information available concerning the size and nature of entities likely to be affected by these amendments, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The following is a section-by-section summary of the amendments:

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#### **DEPARTMENT OF TRANSPORTATION**

##### **Research and Special Programs Administration**

##### **49 CFR Parts 107, 171, 172, 173, 174, and 178**

[Docket No. HM-189H, Amdt. Nos. 107-21, 171-107, 172-120, 173-219, 174-67, 178-95]

##### **Hazardous Materials Regulations; Editorial Corrections and Clarifications**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment corrects editorial errors and makes minor regulatory changes to the Hazardous Materials Regulations (HMR). This action is necessary to reduce misunderstandings of the HMR. The intended effect is to promote accuracy of the HMR. These amendments are

**Appendix to Subpart B of Part 107**

The title of the contact, name of the office, and daytime telephone number for "Motor Carriers" is changed to read: "Chief, Hazardous Materials Division, Office of Motor Carrier Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590. Day (202) 368-4415 and Night (202) 267-2100".

**Section 171.3**

In paragraph (b)(1), third line "§ 397.21" is corrected to read "§ 390.21".

**Section 171.8**

In the definition of "Organic Peroxide", the section cite is corrected to read "§ 173.151a".

**Section 172.101**

In the Hazardous Material Table, the entries "Isopropyl mercaptan" and "Propyl mercaptan", under column 3(A), the identification number is corrected to read "NA2402". A space is added in the entry "Poisonous liquid orgas, flammable, n.o.s." between "or" and "gas". The entry "Sodium Nitrate bags. See Bags, sodium nitrate, empty and unwashed" is removed. The extra hyphen in column 3 of the entry "Sulfur molten", "ORM-C", is removed, and the entry is corrected to read "ORM-C". The entry "Thinner for rust preventive coating. See Rust preventing coating" is corrected to read "Thinner for rust preventive coating. See Paint related material". The first parenthesis in the entry (mono-(Trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry" is removed. The entry is corrected to read "mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry". The entry "Ethyl phosphonothioic dichloride, anhydrous" is removed to place the entry in proper alphabetical sequence. The entry "Ethyl phosphonothioic dichloride, anhydrous" is added immediately following the entry "Ethyl phenyl dichlorosilane".

**§ 172.101 Appendix, "List of Hazardous Substances and Reportable Quantities"**

The asterisk indicating that "hexachlorobutadiene" is also listed in the § 172.101 Hazardous Materials Table is removed.

**Part 173, Table of Contents, Subpart H, Section 173.386.**

In the heading for § 173.386, the word "Ethiologic" is corrected to read "Etiologic".

**Section 173.6**

In paragraph (c), line 3, one of the "§" signs before "§§ 172.101" is removed. In paragraph (c), line 3, the word "and" and the cite "173.1020" are removed.

**Section 173.104**

In paragraph (c), line 7, the words "FUSE, MILD DETONATING, METAL CLAD—HANDLE CAREFULLY or" are added between the words "CAREFULLY" and "or" to read: "CORD, DETONATING—HANDLE CAREFULLY" or "FUSE, MILD DETONATING, METAL CLAD—HANDLE CAREFULLY" or "FLEXIBLE LINEAR SHAPED CHARGES, METAL CLAD—HANDLE CAREFULLY".

**Section 173.242**

In paragraph (b), line 13, the word "strenght" is corrected to read "strength".

**Section 173.247**

In paragraph (a), line 11 the word "acetic" is corrected to read "acetyl".

**Section 173.249**

In the heading, lines 2 and 3, the words "alkaline corrosive battery fluid" are deleted. In paragraph (a), lines 2 and 3, the words "alkaline corrosive battery fluid" are removed.

**Section 173.249a**

In the heading, line 4, the word "or" is added between the words "compound" and "mixture" to read "compound or mixture".

**Section 173.272**

In paragraph (b), the "(b)" is corrected to read "(1)", and "(b)" is reserved.

**Section 173.308**

In paragraph (d)(2), line 3, the word "liquefied" is corrected to read "liquefied".

**Section 173.353a**

In paragraph (a), line 5, "§ 173.353a" is corrected to read "§ 173.353".

**Section 173.373**

In the heading, "Ortho-nitroaniline and paranitroaniline" is corrected to read "Nitroaniline, ortho or para". In paragraph (a), lines 1 and 2, the words "Ortho-nitroaniline and paranitroaniline" is corrected to read "Nitroaniline, ortho or para".

**Section 173.403**

In paragraph (i), line 5, the typographical error "wh9ch" is corrected to read "which".

**Section 174.104**

In paragraphs (c), (d), and (f) all references to "§ 215.15" are corrected to read "§ 215.11".

**Section 178.51-15**

Paragraph (b), line 4, remove the comma between the words "inches, provided" and add a semicolon, to read "inches; provided".

**Section 178.115-3**

In the table in paragraph (b), under the column entitled "Gauge No.", on the third line, "30" is corrected to read "20".

**Section 178.210-12**

In paragraph (a), the symbol appearing in the rectangle is corrected to read "DOT-12A\*\*\*".

**Section 178.224-2**

Paragraph (d), line 4, the word "as" is corrected to read "at".

**List of Subjects****49 CFR Part 107**

Hazardous Materials, Program procedures.

**49 CFR Part 171**

Hazardous materials transportation, General information, Incorporation by reference, Definitions.

**49 CFR Part 172**

Hazardous materials transportation, Hazardous materials tables.

**49 CFR Part 173**

Hazardous materials transportation, Packagings.

**49 CFR Part 174**

Hazardous materials transportation, Carriage by rail.

**49 CFR Part 178**

Hazardous Materials, Shipping container specifications.

In consideration of the foregoing 49 CFR parts 107, 171, 172, 173, 174, and 178 are amended as follows:

**PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES**

1. The authority citation for part 107 continues to read as follows:

Authority: 49 App. U.S.C. 1421(c); 49 U.S.C. 1802, 1808, 1808-1811; 49 CFR 1.45 and 1.53, and Pub. L. 89-670 (49 App. U.S.C. 1853(d), 1855).

**Appendix B—[Amended]**

2. Under appendix A to subpart B, in part 107, the paragraph under the heading "Motor Carriers" is revised to read as follows: "Chief, Hazardous

changed to read "trimethyl acetyl chloride".

**§ 173.249 [Amended]**

14. In the heading of § 173.249, the words "alkaline corrosive battery fluid;" are removed.

a. In paragraph (a) of § 173.249, the words "alkaline corrosive battery fluid;" are removed.

**§ 173.249a [Amended]**

15. In the heading of § 173.249a, the word "or" is added between the words "compound" and "mixture" to read "compound or mixture".

**§ 173.272 [Amended]**

16. In paragraph (b), the designation (b) is correctly designated as (1), and (b) is reserved.

**§ 173.306 [Amended]**

17. In paragraph (d)(2) of § 173.306, the word "liquified" is corrected to read "liquefied".

**§ 173.353a [Amended]**

18. In paragraph (a) of § 173.353a, the reference "§ 173.353a" is changed to read "§ 173.353".

**§ 173.373 [Amended]**

19. The heading of § 173.373 is revised to read "Nitroaniline, ortho or para".

a. In the introductory text to paragraph (a) of § 173.373, the words "Ortho-nitroaniline and paranitroaniline" are changed to read "Nitroaniline, ortho or para".

**§ 173.403 [Amended]**

20. In paragraph (i) of § 173.403, the typographical error "wh9ch" is changed to read "which".

**PART 174—CARRIAGE BY RAIL**

21. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806; 49 CFR part 1.

**§ 174.104 [Amended]**

22. In paragraphs (c), (d), and (f) of § 174.104 all references to "§ 215.15" and "49 CFR 215.15" are changed to read "§ 215.11" and "49 CFR 215.11", respectively.

**PART 178—SHIPPING CONTAINER SPECIFICATIONS**

23. The authority citation for part 178 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1, unless otherwise noted.

**§ 178.51-15 [Amended]**

24. Paragraph (b) of § 178.51-15, in the first sentence, remove the comma

between the words "inches, provided" and add a semicolon, to read "inches; provided".

**§ 178.115-3 [Amended]**

25. In the table in paragraph (b) of § 178.115-3, in the third entry under the column entitled "Gauge No.", "30" is changed to read "20".

**§ 178.210-12 [Amended]**

26. Paragraph (a) of § 178.210-12, the symbol appearing in the rectangle is changed to read "DOT-12A\*\*\*".

**§ 178.224-2 [Amended]**

27. Paragraph (d) of § 178.224-2, in the first sentence, the words "taken as random" are changed to read "taken at random".

Issued in Washington, DC, on September 26, 1989, under the authority delegated in 49 CFR part 1.

Travis P. Dungan,  
Administrator, Research and Special  
Programs Administration.

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Materials Division, Office of Motor Carrier Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590. Day (202) 366-4415 and Night (202) 267-2100."

#### PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

3. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR part 1.

#### § 171.3 [Amended]

4. In paragraph (b)(1) of § 171.3, the citation "§ 397.21" is changed to read "§ 390.21".

#### § 171.8 [Amended]

5. In the entry for "Organic Peroxide" in § 171.8, the cite "§ 173.151" is changed to read "§ 173.151a".

#### PART 172—HAZARDOUS MATERIALS TABLES, HAZARDOUS MATERIALS COMMUNICATIONS REQUIREMENTS AND EMERGENCY RESPONSE INFORMATION REQUIREMENTS

6. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1808; 49 CFR part 1.

7. In § 172.101, the Hazardous Materials Table is amended by revising, in appropriate alphabetical sequence, the entries listed below:

§ 172.101 HAZARDOUS MATERIALS TABLE

(1) +/ A/ W	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard Class	(3A) Identification number	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water Shipments		
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
					Excep-tions	Specific require-ments	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passen-ger vessel	Other Requirements
	REVISED Ethyl phenyl dichlorosilene.	Corrosive material.	UN 2435	Corrosive.....	None	173.280	Forbidden.....	10 gallons.....	1	5	
	Ethyl phosphonothioic dichloride, anhydrous.	Corrosive material.	NA 1760	Corrosive.....	173.244	173.245 173.245a	1 quart.....	1 quart.....	1	4	
	Isopropyl mercaptan.....	Flammable liquid.	NA 2402	Flammable liquid.	None	173.141	Forbidden.....	10 gallons.....	1,3	5	
	mono-(Trichloro) tetra- (monopotassium dichloro)-penta-s-triazinesulfone, dry (containing over 39% available chlorine).	Oxidizer.....	NA 2468	Oxidizer.....	173.153	173.217	50 pounds.....	100 pounds.....	1,3	1,3	
	Poisonous liquid or gas, flammable, n.o.s.	Poison A.....	NA 1953	Poison gas and Flammable gas.	None	173.328	Forbidden.....	Forbidden.....	1	5	Segregation same as for flammable gas.
	Propyl mercaptan.....	Flammable liquid.	NA 2402	Flammable liquid.	None	173.141	Forbidden.....	10 gallons.....	1,2	5	
	Sulfur, molten.....	ORM-C.....	NA 2448	None.....	173.505	173.1080	Forbidden.....	Forbidden.....	1	1	Stow away from oxidizers and living quarters.
	REVISE Thinner for rust prevention. See Paint related materials.										

#### PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

8. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR part 1.

#### PART 173—[AMENDED]

9. Under the subpart H heading in the table of contents for § 173.386.

"Etiologic" is changed to read "Etiologic".

#### § 173.6 [Amended]

10. In paragraph (c) of § 173.6, one of the "§" signs before "§§ 172.101" and the reference "and 173.1020" are removed.

#### § 173.104 [Amended]

11. In paragraph (c) of § 173.104, in the second sentence, revise the marking to read: "CORD, DETONATING—HANDLE CAREFULLY" or "FUSE,

MILD DETONATING, METAL CLAD—HANDLE CAREFULLY" or "FLEXIBLE LINEAR SHAPED CHARGES, METAL CLAD—HANDLE CAREFULLY".

#### § 173.242 [Amended]

12. In paragraph (b) of § 173.242, in the second sentence, the word "strenght" is changed to read "strength".

#### § 173.247 [Amended]

13. In paragraph (a) of § 173.247, the words "trimethyl acetic chloride" are

changed to read "trimethyl acetyl chloride".

**§ 173.249 [Amended]**

14. In the heading of § 173.249, the words "alkaline corrosive battery fluid;" are removed.

a. In paragraph (a) of § 173.249, the words "alkaline corrosive battery fluid;" are removed.

**§ 173.249a [Amended]**

15. In the heading of § 173.249a, the word "or" is added between the words "compound" and "mixture" to read "compound or mixture".

**§ 173.272 [Amended]**

16. In paragraph (b), the designation (b) is correctly designated as (1), and (b) is reserved.

**§ 173.306 [Amended]**

17. In paragraph (d)(2) of § 173.306, the word "liquefied" is corrected to read "liquefied".

**§ 173.353a [Amended]**

18. In paragraph (a) of § 173.353a, the reference "§ 173.353a" is changed to read "§ 173.353".

**§ 173.373 [Amended]**

19. The heading of § 173.373 is revised to read "Nitroaniline, ortho or para".

a. In the introductory text to paragraph (a) of § 173.373, the words "Ortho-nitroaniline and paranitroaniline" are changed to read "Nitroaniline, ortho or para".

**§ 173.403 [Amended]**

20. In paragraph (i) of § 173.403, the typographical error "wh9ch" is changed to read "which".

**PART 174—CARRIAGE BY RAIL**

21. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR part 1.

**§ 174.104 [Amended]**

22. In paragraphs (c), (d), and (f) of § 174.104 all references to "§ 215.15" and "49 CFR 215.15" are changed to read "§ 215.11" and "49 CFR 215.11", respectively.

**PART 178—SHIPPING CONTAINER SPECIFICATIONS**

23. The authority citation for part 178 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1, unless otherwise noted.

**§ 178.51-15 [Amended]**

24. Paragraph (b) of § 178.51-15, in the first sentence, remove the comma

between the words "inches, provided" and add a semicolon, to read "inches; provided".

**§ 178.115-3 [Amended]**

25. In the table in paragraph (b) of § 178.115-3, in the third entry under the column entitled "Gauge No.", "30" is changed to read "20".

**§ 178.210-12 [Amended]**

26. Paragraph (a) of § 178.210-12, the symbol appearing in the rectangle is changed to read "DOT-12A\*\*\*".

**§ 178.224-2 [Amended]**

27. Paragraph (d) of § 178.224-2, in the first sentence, the words "taken as random" are changed to read "taken at random".

Issued in Washington, DC, on September 26, 1989, under the authority delegated in 49 CFR part 1.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

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